

REMARKS

The claims are 1, 3-7, 9-13 and 22-27 with claims 1, 3, 9 and 22-27 being independent. Former claims 2, 8 and 14-21 have been cancelled without prejudice or disclaimer. The claims have been amended to resolve an informality under Rule 112, first paragraph, unrelated to novelty. Reconsideration of the claims is expressly requested.

The Examiner had objected to claims 1, 2 and 14-23 under Rule 112, first paragraph, as being non-enabling. Claims 2 and 14-21 have been cancelled. Claim 1 has been amended to add the subject matter of claims 3 and 9 to which no objection has been made. Claims 22 and 23 were likewise, amended, to insert subject matter to which no objection has been made.

New subgeneric claims 24 and 26 are directed to the cartridge of generic claim 22, while new subgeneric claims 25 and 27 are directed to the apparatus recited in generic claim 23. These actions have been taken without prejudice or disclaimer of subject matter and, without conceding correctness of the objections, but rather strictly to obtain an earlier allowance and to expedite issue.

Claims 1-23 were provisionally rejected as an obviousness-type double patenting over claims 25-66 of co-pending Application No. 10/321,643 in view of Nakata et al. Since the only other rejection in the application has now been obviated, the provisional double patenting rejection is the sole remaining objection.

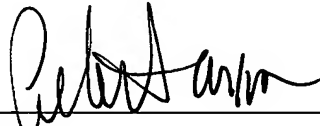
Under M.P.E.P. §804(1)(B) on M.P.E.P. page 800-19, it is noted that when a provisional double patenting rejection is the only remaining rejection, then the Examiner

should withdraw that rejection and permit the case to issue as a patent to convert the provisional double patenting rejection in the other application to an actual double patenting rejection when the present case issues as a patent. Accordingly, the Examiner is requested to withdraw the provisional double patenting rejection, since no other rejections remain.

If, for any reason, the Examiner does not withdraw the provisional obviousness-type double patenting rejection, the Examiner is requested to contact the undersigned in order to explore other options to resolving that provisional rejection.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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